

RETURN DATE: JANUARY 18, 2022	:	SUPERIOR COURT
	:	
3 LAKE AVENUE EXTENSION, LLC	:	
	:	JUDICIAL DISTRICT OF
	:	DANBURY
v.	:	
	:	
CITY OF DANBURY ZONING	:	
COMMISSION	:	DECEMBER 10, 2021

CITATION

TO ANY PROPER OFFICER:

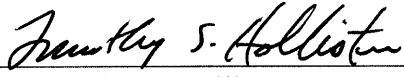
You are hereby commanded by the authority of the State of Connecticut to summon the Zoning Commission of the City of Danbury to appear before the Superior Court for the Judicial District of Danbury on the Return Date of January 18, 2022, then and there to answer the attached Appeal of 3 Lake Avenue Extension, LLC, c/o Pacific House, Inc., 137 Henry Street, Stamford, Connecticut, 06902, by leaving **two** (2) true and attested copies of this Citation and attached Appeal, at least twelve (12) days before the Return Date, with the Town Clerk of the City of Danbury, 155 Deer Hill Ave, Danbury, Connecticut 06810, and directing the Town Clerk to retain one copy and forward the second copy to the City of Danbury Zoning Commission. Such appearance shall not be made in person, but shall be made by filing a statement of appearance with the Clerk of the Court, whose address is 146 White Street, Danbury, Connecticut 06810.

Hereof fail not, but of this writ with your actions thereon make due service and return according to law.

Dated this 10th of December, 2021 at Hartford, Connecticut

PLAINTIFF,

3 LAKE AVENUE EXTENSION, LLC

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APPEAL PURSUANT TO GENERAL STATUTES § 8-8
FROM ACTION OF ZONING COMMISSION

1. Plaintiff 3 Lake Avenue Extension, LLC is a Connecticut limited liability corporation, whose managing member/principal is Pacific House, Inc. (“Pacific House”), a Connecticut non-profit corporation with an office at 137 Henry Street, Stamford, Connecticut 06902.

2. 3 Lake Avenue Extension, LLC is the owner of real property located at 3 Lake Avenue Extension, Danbury, Connecticut 06811.

3. Since the 1990s, Pacific House has provided housing, meals, health care, and other services to the homeless population in the vicinity of Stamford, Connecticut, principally through the operation of a shelter.

4. The defendant City of Danbury Zoning Commission (“Commission”) is the agency established by the City of Danbury, pursuant to General Statutes Chapter 124, §§ 8-1 et seq., to receive, process, and act on zoning applications such as regulation amendments and zoning map changes.

5. The parcel at 3 Lake Avenue Extension is a 1.52 acre property on which is located a former “Super 8” motel, with 86 rooms, which property 3 Lake Avenue Extension, LLC purchased with funds provided through the Connecticut Department of Housing in April 2021.

6. The 3 Lake Avenue Extension property is located in Danbury's CA-80 Zoning District.

7. The CA-80 Zoning District allows, as permitted or special permit uses, among others, hotels and motels; adult day care centers; colleges, universities, and post-secondary or business schools; dependency treatment centers; congregate housing; continuing care facilities; and nursing homes.

8. As of April, 2021, when 3 Lake Avenue Extension, LLC purchased the property, homeless shelters were not permitted in the CA-80 Zoning District.

9. The 3 Lake Avenue Extension property is located adjacent to the Exit 4 off-ramp from Interstate 84, westbound.

10. Homeless shelters, including those formerly located and operated in the City of Danbury, have traditionally utilized "dormitory" or "congregate" style housing, with multiple individuals housed in the same room.

11. With the rise of the COVID-19 pandemic in early 2020, officials in Connecticut and at the federal level recognized that these dormitories made COVID-19 transmission more likely, and began seeking alternatives, including single-room occupancy ("SRO") as often found in hotels and motels.

12. On March 28, 2020, Connecticut Governor Ned Lamont issued Executive Order No. 7P, which authorized, in part, the Commissioner of Public Health, the Secretary of the Office of Policy and Management, and the Commissioners of Emergency Services and Public Protection and Housing to issue such orders as were necessary to support "non-congregate" housing for the homeless, with sufficient physical distancing capacity, in an effort to reduce

resident density, provide alternate housing for people experiencing homelessness, and reduce the risk of exposure to, infection with, or transmission of COVID-19.

13. On March 31, 2020, Seila Mosquera-Bruno, Commissioner of the Connecticut Department of Housing (“DOH”), issued a Notice and Order Regarding Executive Order 7P, Safe Housing for People Experiencing Homelessness, which ordered homeless shelter providers and other congregate housing providers to find alternative sites to dormitories for the homeless.

14. The Super 8 motel in Danbury was identified by DOH and the City as a suitable SRO housing facility.

15. Homeless individuals were first moved to the Super 8 in April 2020.

16. Pacific House was asked by the DOH and the City in the spring of 2020 to help support the staff at the Super 8 motel, and began working with DOH and City of Danbury staff at the facility.

17. From March 2020 through April 2021, when 3 Lake Avenue Extension, LLC purchased the Super 8, the facility was operated as both a hotel and as a shelter, with DOH renting rooms to use as SRO housing for the homeless population, and hotel guests staying in the other rooms.

18. During August to December, 2020, the City of Danbury worked with DOH to requisition up to \$11 million in federal Community Development Block Grant funds that had been designated for Connecticut for COVID-19 response.

19. In April 2021, DOH ultimately allocated approximately \$4,630,000 in federal funds directly to 3 Lake Avenue Extension, LLC, which used the funds to purchase the Super 8 motel, for use as an emergency homeless shelter and short-term housing with supportive services.

20. In March 2021, in connection with the proposed acquisition of the Super 8 by 3 Lake Avenue Extension, LLC, the LLC filed an application with the City of Danbury Zoning Board of Appeals for a use variance to allow the Super 8 to be operated as a shelter for the homeless in the CA-80 zone.

21. In response to the variance petition, City staff issued a memo dated April 15, 2021, confirming that the proposed use of 3 Lake Avenue Extension as a shelter was consistent with the City's Plan of Conservation and Development ("POCD").

22. After a contentious, lengthy public hearing in May 2021 regarding the use variance petition, 3 Lake Avenue Extension, LLC withdrew its application.

23. In August 2021, Pacific House took over operational and employment control of the Super 8.

24. On August 16, 2021, 3 Lake Avenue Extension, LLC filed an application to the Danbury Zoning Commission to amend the uses allowed in the CA-80 zone, to allow a "transitional shelter for the homeless." The regulation amendment, attached as Exhibit A, amends the existing definitions in the zoning regulations to distinguish between a traditional, congregate-style "shelter for the homeless" and a "transitional shelter for the homeless."

25. In response to the regulation amendment application submitted by 3 Lake Avenue Extension, LLC, City staff issued a memo to the Zoning Commission and the Planning Commission stating that:

- a. the proposed amendments were appropriately drafted;
- b. the proposed transitional shelter use was similar to other uses already allowed in the CA-80 zone either by right or pursuant to a special exception; and
- c. the proposed transitional shelter in the CA-80 zone was consistent with the City's POCD.

26. The public hearing for 3 Lake Avenue Extension, LLC's application opened on September 28, 2021. At that meeting, 3 Lake Avenue Extension, LLC presented its application to the Commission and answered questions.

27. During the initial public hearing on September 28, 2021, 3 Lake Avenue Extension, LLC presented benefits and justifications for the proposed regulation, including:

- a. the combination of emergency beds and supportive services in one building is a sensible, proven, progressive, and workable model to move homeless people into permanent housing;
- b. the shelter will house approximately the same number of homeless individuals as Danbury's previously operating shelters;
- c. the regulation contains exceptions and protections, including occupancy total and per-room limits, to prevent overcrowding;
- d. the regulation would require the property owner to apply to the Planning Commission for a special exception, which would allow that Commission to thoroughly review the operating plan for the shelter and impose conditions and limits on its operation;
- e. the application is consistent with the City's POCD, as noted by City staff;
- f. Pacific House is an established shelter operator with a successful track record in Stamford of assisting and reducing the area's homeless population, including by working with other social service agencies; and
- g. the City will be able to count units in the facility as an affordable housing unit compliant with General Statutes § 8-30g.

28. During the same hearing, 3 Lake Avenue Extension, LLC discussed the operation of the shelter, including health and COVID-19-related protocols used to keep residents distanced and safe; and the safety and security of the shelter, including surveillance, curfews, 24-hour staffing, and searches of incoming residents to prevent drugs or weapons from entering the shelter.

29. On November 9, 2021, the Commission continued with the public hearing on the application. After nearly seven hours, the Commission voted to continue the hearing to November 16, 2021.

30. On November 16, 2021, after nearly five hours of continued testimony, the Commission voted to continue the hearing.

31. Before and during these public hearings, 3 Lake Avenue Extension, LLC provided written supplemental materials in response to questions and issues raised, including:

- a. a November 2, 2021 supplement that included descriptions of security features at the shelter; additional letters in support of the application; a list of planned improvements to the shelter; a memo to Danbury Corporation Counsel addressing the issue of spot zoning; an addition to the proposed amendment requiring that a “transitional shelter for the homeless” shall be the sole principal use of a qualifying property, not to be combined with any other use (which addition is included in the attached Exhibit A); and a memo and separate answers to questions raised during prior hearings and via email from the Chairman of the Commission;
- b. a November 8, 2021 supplement which included further letters in support of the application; and
- c. a November 15, 2021 supplement which included responses from 3 Lake Avenue Extension, LLC to comments and questions raised during prior hearings.

32. The November 15, 2021 supplemental filing also contained an updated version of the proposed amendment to the zoning regulations with minor changes to address concerns raised during the public hearing. A copy of this proposed amendment is included in the attached Exhibit A. This updated amendment:

- a. limited the sites to which the definition of “transitional shelter for the homeless” could be applied to those sites abutting the Exit 4 off-ramp of Interstate-84; and
- b. required the applicant for a special exception under the revised regulation to provide a security and safety plan to the Planning Commission.

33. The Commission rejected this updated proposed amendment because it was not part of the original proposal.

34. During the hearings, Chief of the Danbury Police Department, Patrick Ridenhour, provided information to the Commission, including:

- a. a letter dated September 22, 2021 stating that “[it] does not appear that the shelter has had any significant impact on crime or calls for police service in the area at this time”;
- b. a letter dated October 4, 2021, again providing data on police calls in the area and stating that “[o]ut of more than 60 calls reviewed, only one was remotely connected to the shelter”; and
- c. a letter dated November 8, 2021, refuting allegations made during the hearing that the police department was manipulating statistics in favor of the application, and stating that “the issues at Pacific House so far have been no more taxing on our resources than when the two downtown shelters were in operation.”

35. On November 23, 2021, the Commission re-opened the public hearing on the application. During this meeting, 3 Lake Avenue Extension, LLC responded to nearly 10 hours of opposition testimony during the three prior hearings.

36. Claims by those opposed to 3 Lake Avenue Extension, LLC’s application contained numerous misrepresentations, including assertions that:

- a. police reports provided to the Commission by the Danbury Police were manipulated to misrepresent police calls to the shelter;
- b. there has been an increase in crime in the vicinity of the shelter since it opened, and as a result of its operation;
- c. shelter residents have been involved in crimes including drug dealing and solicitation;
- d. Pacific House sponsored the application to make a financial “windfall”;
- e. military veterans are not being served by the shelter;
- f. several deaths had occurred at the shelter and were not reported;

- g. the shelter is a “mega-shelter” and that would host between 176 and 300 residents at a time; and
- h. pedophiles are residents of the shelter.

37. Numerous photos were presented, by opponents of the application, of individuals at or near the shelter, who were alleged to be engaged in criminal activity, even though the photos showed nothing of the kind.

38. In total, the hearing consisted of more than 19 hours of testimony and 740 pages of documents submitted.

39. After the close of the public hearing on November 23, and during deliberations on the application during that meeting, Commission members explained their individual concerns, including:

- a. the proposed regulation amendment would allow for a shelter at properties other than the 3 Lake Avenue Extension;
- b. the proposed regulation would constitute spot zoning;
- c. the shelter would be a “mega-shelter” unit for more homeless individuals than Danbury’s previous shelters;
- d. the proposed transitional shelter for the homeless was not appropriate for a residential neighborhood;
- e. the Commission should bow to the concern of opposed neighbors;
- f. the shelter would change the “character” of the neighborhood;
- g. Danbury does not “need to be burdened” with the rest of the state’s homeless; and
- h. the majority of those who spoke in favor of the application “are not Danbury residents.”

40. The Commission voted 6-3 to deny 3 Lake Avenue Extension, LLC's application during its November 23, 2021 meeting and issued a Resolution of Denial explaining its reasons for denying the application.

41. The Commission published notice of this decision in the *Danbury News Times* newspaper on November 29, 2021.

42. The resolution that the Commission adopted was written by City staff prior to the November 23, 2021 public hearing and meeting, prior to the rebuttal and closing arguments of 3 Lake Avenue Extension, LLC, and did not accurately reflect the Commission deliberations, and thus does not constitute an accurate "collective statement" of the Commission's reasons.

43. The resolution the Commission passed to deny 3 Lake Avenue Extension, LLC's petition states:

- "1. The addition of the new use in Section 2.B. entitled 'Transitional shelter for the homeless' with the specific requirements is unacceptable as the use creates a facility that allows emergency shelter beds in an amount greater than 20 beds, which is the maximum number of beds the City has consistently allowed in uses defined as a shelter for the homeless in the C-CBD and RH-3 Zoning Districts.
2. Based on the list of existing uses contained within the Zoning Regulations and commensurate definitions, there is no necessity to add the new use as proposed. A shelter of the homeless is currently defined.
3. A shelter for the homeless is already permitted by grant of special exception in both the C-CBD and RH-3 Zoning Districts. The Commission finds sufficient land area exists within those two zones to locate a shelter for the homeless as currently defined and regulated.
4. As to the similarity of the proposed use with existing uses in the CA-80 Zone, the proposed new use is not compatible to uses already allowed, as permitted or by special exception, in said Zone.
5. While the Petition presented an opportunity to add affordable units to the City's inventory of affordable housing of the purposes of the Affordable Housing Appeals List and any related moratorium application, the benefit of the addition of units gained as part of a 'Transitional shelter for the

homeless’ is outweighed by the intensity of the use permitted by the Petition and its adverse effects in the surrounding commercial and residential neighborhoods.

6. The Zoning Commission acknowledges that the Planning Commission, on September 21, 2021, issued a positive referral on the Petition finding that, among other reasons as noted in said correspondence, the Petition was consistent with the Plan of Conservation and Development (“POCD”).
7. The Zoning Commission has considered the consistency of the Petition with the policies and recommendations of the POCD as required pursuant to CGS Section 8-3(b) and the Zoning Regulations and finds that while aspects of the Petition are consistent with recommendations of the Housing Plan section of the POCD, the use as proposed is dissimilar to and incompatible with existing uses in the general and limited commercial zone as identified on the Land Development Plan map for the parcels within the CA-80 Zone.
8. Notwithstanding correspondence and testimony in support of the Petition, credible testimony from the residents in the vicinity of the existing emergency shelter at 3 Lake Avenue Extension, operated by Pacific House under an Executive Order issued by the Governor of the State of Connecticut, supports concerns that establishment of a permanent transitional shelter facility as could be established if the zoning amendments are approved may result in detrimental impacts to the public health, welfare, and safety of the residents and businesses of the surrounding area and could decrease property values. While the Commission does not question the sincerity and dedication of the petitioner, its representatives, and proponents of the amendments, the Commission finds more credible the evidence as submitted by surrounding area business and property owners that demonstrates the adverse effects on the health, safety, and welfare already experienced with the Pacific House’s current operation of the shelter and is not persuaded by the petitioner’s promises that the adverse effects will not continue in the future.
9. The amendments as proposed raise the potential argument that they result in spot zoning which is illegal in the State of Connecticut.
10. As the Commission is denying the amendment to define a ‘Transitional shelter for the homes’ and its addition to the CA-80 Zone, there is no necessity to amend the definition of ‘Dwelling unit’ or ‘Shelter for the homeless’ in Section 2.B. Therefore, these amendments are commensurately denied.”

44. With the denial of the 3 Lake Avenue Extension LLC application, the City of Danbury at the date of this appeal has no legal, open shelter for homeless individuals, and no plan for any such facility.

45. The Commission's November 23, 2021 denial resolution is invalid; an abuse of legislative discretion, arbitrary and capricious; *ultra vires*; inconsistent with the obligations of a zoning commission under state statutes; and not supported by sufficient evidence in the hearing record, in one or more of the following respects:

- a. it ignores the affirmative obligation of zoning commissions set forth in General Statutes § 8-2, the Zoning Enabling Act, to "promote health and the general welfare"; "prevent . . . overcrowding"; and "promote housing choice, including housing for low and moderate income households.";
- b. it ignores the mandate of Public Act 21-29, § 4(b)(2)(J), that each municipality must use its zoning regulations to "affirmatively further" the "purposes of the federal Fair Housing Act," 42 U.S. Code § 3601, et seq.;
- c. it ignores the prohibitions included in Public Act 21-29, § 4(d)(10), which prohibits zoning commissions from denying land use applications, including zoning approvals, on the basis of either "a district's character, unless such character is expressly articulated in such regulations by clear and explicit physical standards for site work and structures" or "the immutable characteristics" of the applicant or end user;
- d. it ignores the limitations and safeguards that the regulation would impose on the shelter's operation;
- e. it ignores the pandemic-mandated shift from dormitory/congregate shelter to individual rooms that the 3 Lake Avenue Extension facility provides;
- f. it ignores the Governor's Executive Order 7P directing homeless shelter providers to move away from congregate-style housing in favor of CRO-style housing by favoring traditional, congregate-style housing;
- g. it ignores the advice of the City staff in the Planning and Zoning Department that the definition of a "transitional shelter for the homeless" was appropriate and necessary for such a use to ensure consistency in the zoning regulations;

- h. it ignores the findings of City staff in the Planning and Zoning Department that there are public benefits to the petition which represents a combined and collaborative effort by the State and 3 Lake Avenue Extension, LLC to create SRO-style housing to safely address the housing and support or persons experiencing homelessness brought to the forefront as a result of the COVID-19 pandemic;
- i. it is contradicted by the evidence submitted to the Commission by the Danbury Chief of Police which indicated that there had been no significant increase in police calls to the 3 Lake Avenue Extension property or any surrounding properties since the Super 8 began operating as a homeless shelter;
- j. it is based on speculative concerns about adverse effects to surrounding properties not supported by evidence submitted during the public hearing;
- k. it ignores the operation of other businesses in the vicinity of 3 Lake Avenue Extension which may be contributing to the alleged adverse effects in the surrounding commercial and residential neighborhoods;
- l. it ignores testimony regarding the history of the area around 3 Lake Avenue Extension indicating that the alleged detrimental impacts to the public health, welfare, and safety of the residents and businesses of the surrounding area existed before the Super 8 began its use as a homeless shelter;
- m. despite the Commission's assertion that "sufficient land area exists" for a "shelter for the homeless" under the current definition, no such shelter exists anywhere in the C-CBD or RH-3 Zoning Districts and there are no plans before the Commission or any other body of the City of Danbury to build or permit such a shelter;
- n. it ignores an opinion by City Corporation Counsel that the regulation would not constitute spot zoning;

46. 3 Lake Avenue Extension, LLC as owner/applicant is aggrieved by the Commission's November 23, 2021 resolution, as its application to amend the existing zoning regulations to allow a "transitional shelter for the homeless" was denied by the Commission.

WHEREFORE, plaintiff 3 Lake Avenue Extension, LLC respectfully requests that the Court:

- 1. Invalidate the Commission's November 23, 2021 resolution, in whole or in part;

2. Direct the Commission to approve 3 Lake Avenue Extension's August 2021 application as revised and presented through November 23, 2021;

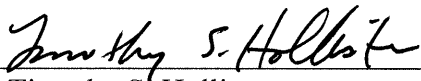
3. In the alternative, direct the Commission, forthwith, to approve regulations allowing 3 Lake Avenue Extension to be utilized to house and support the City's and the region's homeless population;

4. Award costs as provided by General Statutes § 8-8(1); and

5. Grant such other and further relief as may be just and proper.

PLAINTIFF,

3 LAKE AVENUE EXTENSION, LLC

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Please enter the appearance of
Hinckley, Allen & Snyder, LLP
for Plaintiff 3 Lake Avenue
Extension, LLC

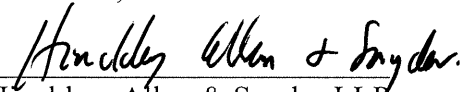

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EXHIBIT A

**Regulation Amendment, August 16, 2021
as revised to November 23, 2021**

ZONING REGULATIONS AMENDMENT

SECTION 2. ARTERIAL COMMERCIAL DISTRICT: CA-80 Proposed Revision to § 2.B

SECTION 2. DEFINITIONS

2.B DEFINITIONS.

Dwelling unit. A housing unit containing a single room or group of rooms designed for occupancy as separate living quarters by one family. Separate living quarters are those in which occupants have direct access to the unit from outside of the building or through a common hall and which contain separate bedrooms (other than efficiency units) and provisions for living, dining, kitchen and bathroom facilities for the exclusive use of the occupants. The following uses are not considered dwelling units as defined herein: clubs; congregate housing; dormitories; fraternal organizations; fraternity or sorority houses; hotels or motels; nursing homes; rooming houses or boarding houses; shelters for the homeless; transitional shelters for the homeless; or, similar uses. [Rev. 11/26/2011]

Shelter for the homeless. A facility providing only temporary dormitory/congregate-style housing and [ancillary] associated services for one or more individuals who would otherwise be without shelter; homeless shelter.

Transitional shelter for the homeless. A facility that provides both supportive units and emergency shelter rooms and associated services to those experiencing homelessness, which such facility is controlled and operated by either (1) a non-profit housing organization pursuant to a contract with the Connecticut Department of Housing; or (2) the City of Danbury. Supportive units shall consist of a room/rooms with an area for sleeping and contain a kitchenette comprised only of a mini-refrigerator and microwave, a bathroom, and a required sink. Gas or electrical services for ovens, ranges, cooktops and associated venting shall not be permitted within any supportive units or emergency shelter rooms. The facility shall contain offices for supportive services including but not limited to social and case management services, counseling, and similar programs and supportive services provided by the non-profit or City to enable individuals experiencing homelessness to transition to permanent housing and self-sufficiency. All supportive units and emergency shelter rooms within the facility shall qualify as affordable housing within the meaning of CGS Section 8-30g as follows: supportive units shall be restricted in occupancy to persons or families, identified as family units within the meaning of CGS Section 8-30g, whose income is equal to or less than forty (40) percent of the state median income for a term no less than forty (40) years; and, emergency shelter rooms shall be restricted in occupancy to persons or families, identified as family units within the meaning of CGS Section 8-30g, whose income is equal to or less than fifty (50) percent of the state median income for a period of not less than fifteen (15) years; transitional homeless shelter.

SECTION 5. ARTERIAL COMMERCIAL DISTRICT: CA-80
Proposed Revision to § 5.B.5.g (2) and (15)

5.B.2.b. Special Exception Uses

(19) Transitional shelter for the homeless. See Section 5.B.5.g.

([19] 20) Truck terminal, warehouse, moving and storage establishment; self-service storage. See Section 6.C.3.

Renumber remaining uses consecutively.

5.B.5. Specific Use Regulations: Special Exception Uses.

The following use regulations shall apply to the special exception uses specified below.

g. Transitional shelter for the homeless.

- (1) Vehicular access to the site shall be provided solely from an arterial street.
- (2) The site shall abut a ramp from Exit 4 of Interstate 84.
- (3) The facility shall contain no greater than a total of eighty-six (86) supportive units and emergency shelter rooms used as accommodations for individuals experiencing homelessness and/or transitioning from homelessness to permanent housing.
- (4) There shall be no greater than forty-eight (48) supportive units within the facility.
- (5) No supportive unit or emergency shelter room shall be occupied by more than two (2) individuals; however, in emergency situations, more than two (2) individuals may be housed in a one-bedroom suite, provided that the total number of individuals accommodated within the facility shall not exceed one-hundred-and-seventy-two (172).
- (6) Laundry facilities shall be available and accessible to emergency shelter room occupants, and a laundry room shall be located on each floor with supportive units for use by said supportive unit occupants.
- (7) No exterior site or façade alterations shall be made without required permits and approvals issued by the City of Danbury.
- (8) The facility may contain a room within the building where food is provided to shelter occupants, subject to obtaining all required permits and approvals.
- (9) An interior layout plan of the facility shall be submitted with any application for special exception and site plan approval and shall accompany the application for issuance of a Zoning Permit to use the site as a transitional shelter for the homeless.

Proposed Revision to Zoning Regulation Amendment
November 15, 2021

- (10) All supportive units and emergency shelter rooms shall have access solely from an interior hallway. No supportive unit or emergency shelter room shall be accessed from the exterior of the building, unless such access is required for life safety as determined by the Fire Marshal.
- (11) The non-profit entity operating said transitional shelter for the homeless shall issue a written report to the Department of Health and Human Services and the Zoning Enforcement Officer by January 31st of each year beginning in 2022 certifying compliance with these additional use regulations, the use definition, and affordability components contained therein.
- (12) All required occupancy restrictions for supportive units and emergency shelter rooms, as required by the use definition, shall be submitted with the application for special exception and site plan approval and shall be recorded on the Danbury Land Records prior to issuance of a Zoning Permit. Prior to recording, said occupancy restrictions shall be submitted by the facility operator to the Office of the Corporation Counsel for review and approval as to form and content. Copies of recorded restrictions shall be filed with the Zoning Enforcement Officer, and Directors of the Departments of Health and Human Services and Planning and Zoning.
- (13) The Planning Commission may request such additional information as necessary to determine compliance and issue findings in accordance with Section 10.C.4 of these Regulations.
- (14) A transitional shelter for the homeless shall be the sole principal use of a qualifying property, and shall not be combined with or operated simultaneously with any other permitted or special exception use.
- (15) An application for a special exception and site plan approval under this subsection for a transitional shelter for the homeless shall include a detailed plan for security and safety of the building interior; the building exterior including parking and outdoor recreation areas; and the perimeter of the property. The plan shall include lighting, fencing, alarm systems, surveillance cameras, staffing, and hours. The plan shall also include the establishment of a neighborhood crime watch program, to be conducted in cooperation with law enforcement and neighboring property owners. The plan shall be proposed as an enforceable condition of special exception approval, and the Planning Commission, in conjunction with City staff, may suggest and impose additional, reasonable conditions to ensure the safety and security of residents and staff of the shelter, nearby residents, nearby business customers, and the general public.